

**IN THE UNITED STATES SITRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED KEETOWAH BAND OF	)
CHEROKEE INDIANS IN OKLAHOMA,	)
	)
Plaintiff,	)
	)
vs.	)
	)
STATE OF OKLAHOMA, ex rel.	)
RICHARD GRAY, District Attorney in and	)
For the 27 <sup>th</sup> Prosecutorial District of	)
Oklahoma, and the UNITED STATES of	)
AMERICA, ex rel. GALE A. NORTON,	)
Secretary of the Interior,	)
	)
Defendants.	)

Case No. CIV-04-340-Raw

**JOINT APPLICATION TO MODIFY JULY 10, 2012 AGREED ORDER**

Plaintiff, the United Keetoowah Band of Cherokee Indians in Oklahoma (“Keetoowah Cherokee”), and Defendant, the State of Oklahoma *ex rel.* Brian Kuester, District Attorney in and for the 27<sup>th</sup> Prosecutorial District of Oklahoma (“State”), jointly apply to the Court for an Order modifying the July 10, 2012 Agreed Order to add the following provision:

In the event that Plaintiff must cease gaming activities at its Tahlequah, Oklahoma Gaming Facility on July 30, 2012 as a result of there having been no issuance of a land into trust decision concerning Plaintiff’s August 15, 2011 Amended Trust Application, Plaintiff may store the shut-down gaming machines in place at the Gaming Facility, and will not be required to immediately remove the gaming machines. If, at any time, an unfavorable land into trust decision is issued concerning Plaintiff’s August 15, 2011 Amended Trust Application, Plaintiff shall have thirty (30) days from the issuance of such unfavorable decision to remove all gaming machines from the Gaming Facility.

Respectfully jointly submitted this 27<sup>th</sup> day of July, 2012

s/ James C. McMillin

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ATTORNEYS FOR PLAINTIFF

s/ Neal Leader

(Signed by Filing Attorney with permission of Defendant Attorney)  
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